

Executive Summary – Enforcement Matter – Case No. 44042
Victoria County Water Control and Improvement District No. 2
RN101612331
Docket No. 2012-0913-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Placedo Wastewater Plant, located approximately 3,000 feet north-northeast of the intersection of U.S. Highway 87 and Farm-to-Market Road 616, southeast of the intersection of Grand Street and Preston Street, Placedo, Victoria County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,360

Amount Deferred for Expedited Settlement: \$3,672

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,688

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 44042
Victoria County Water Control and Improvement District No. 2
RN101612331
Docket No. 2012-0913-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 6, 2012 and April 19, 2012

Date(s) of NOE(s): March 29, 2012

Violation Information

1. Failed to submit the discharge monitoring reports (“DMRs”) for the monitoring periods ending January 31, 2011 through December 31, 2011, by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0012743001, Monitoring and Reporting Requirements No. 1].
2. Failed to submit a complete sludge report for the monitoring period ending July 31, 2011. Specifically, the sewage sludge for land application (“SLLA”) DMR for the 2011 sludge report was missing parameter data [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012743001, Sludge Provisions].
3. Failed to pay outstanding public health service fees for TCEQ Financial Account No. 92350006 for the 2012 fiscal year [30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days:
 - i. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the timely submittal of signed and certified monthly DMRs and annual sludge reports;
 - ii. Submit the DMRs for the monitoring periods ending January 31, 2011 through December 31, 2011;
 - iii. Submit the complete SLLA DMR for the 2011 sludge report; and
 - iv. Submit payment for all outstanding fees, including any associated penalties and interest.

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RN101612331
Docket No. 2012-0913-MWD-E

b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division,
Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Jimmy W. Johnson, President, Victoria County Water Control and
Improvement District No. 2, P.O. Box 238, Placedo, Texas 77977
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-Apr-2012	Screening	16-Apr-2012	EPA Due	
	PCW	19-Apr-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Victoria County Water Control and Improvement District No. 2		
Reg. Ent. Ref. No.	RN101612331		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44042	No. of Violations	1
Docket No.	2012-0913-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	36.0% Enhancement	Subtotals 2, 3, & 7	\$2,520
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Notes
Enhancement for four NOV's with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$52
Approx. Cost of Compliance \$550
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,520
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$9,520
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,520
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,904
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,616
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Screening Date 16-Apr-2012

Docket No. 2012-0913-MWD-E

PCW

Respondent Victoria County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002)

Case ID No. 44042

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 36%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 36%

Screening Date 16-Apr-2012

Docket No. 2012-0913-MWD-E

PCW

Respondent Victoria County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002)

Case ID No. 44042

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System Permit No. WQ0012743001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2011; February 28, 2011; March 31, 2011; April 30, 2011; May 31, 2011; June 30, 2011; and July 31, 2011, by the 20th day of the following month, as documented during a record review conducted on March 6, 2012.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7

421 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,000

Seven single events are recommended for the months of January 2011 through July 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$9,520

This violation Final Assessed Penalty (adjusted for limits) \$9,520

Economic Benefit Worksheet

Respondent Victoria County Water Control and Improvement District No. 2
Case ID No. 44042
Req. Ent. Reference No. RN101612331
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	20-Feb-2011	31-Jan-2013	1.95	\$2	\$39	\$41
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	6-Mar-2012	31-Jan-2013	0.91	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to prepare and submit the DMRs (\$25 x 12 DMRs = \$300). Date required is the date the first DMR was due. Final date is the expected date of compliance. The estimated cost to update operational guidance and conduct employee training to ensure that all monitoring records are properly maintained and all reporting requirements are met. Date required is the record review date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$550

TOTAL

\$52



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	2-Apr-2012	Screening	16-Apr-2012	EPA Due	
	PCW	19-Apr-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Victoria County Water Control and Improvement District No. 2		
Reg. Ent. Ref. No.	RN101612331		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44042	No. of Violations	3
Docket No.	2012-0913-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	36.0% Enhancement	Subtotals 2, 3, & 7	\$2,340
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Notes Enhancement for four NOV's with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$10
Approx. Cost of Compliance \$100
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,840
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$8,840
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,840
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,768
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,072
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Screening Date 16-Apr-2012

Docket No. 2012-0913-MWD-E

PCW

Respondent Victoria County Water Control and Improvement I

Policy Revision 3 (September 2011)

Case ID No. 44042

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 36%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 36%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 36%

Screening Date 16-Apr-2012

Docket No. 2012-0913-MWD-E

PCW

Respondent Victoria County Water Control and Improvement District No. 2

Policy Revision 3 (September 2011)

Case ID No. 44042

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012743001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2011; September 30, 2011; October 31, 2011; November 30, 2011; and December 31, 2011, by the 20th day of the following month, as documented during a record review conducted on March 6, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 5.0%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 5

209 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$6,250

Five single events are recommended for the months of August 2011 through December 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$6,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$8,500

This violation Final Assessed Penalty (adjusted for limits) \$8,500

Economic Benefit Worksheet

Respondent Victoria County Water Control and Improvement District No. 2
Case ID No. 44042
Req. Ent. Reference No. RN101612331
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit on the accompanying Penalty Calculation Worksheet.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 16-Apr-2012

Docket No. 2012-0913-MWD-E

PCW

Respondent Victoria County Water Control and Improvement District No. 2

Policy Revision 3 (September 2011)

Case ID No. 44042

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0012743001, Sludge Provisions

Violation Description

Failed to submit a complete sludge report for the monitoring period ending July 31, 2011, as documented during a record review conducted on March 6, 2012. Specifically, the sewage sludge for land application DMR for the 2011 sludge report was missing parameter data.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				X

Percent 1.0%

Matrix Notes

70% of the permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

228 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$340

This violation Final Assessed Penalty (adjusted for limits) \$340

Economic Benefit Worksheet

Respondent Victoria County Water Control and Improvement District No. 2
Case ID No. 44042
Req. Ent. Reference No. RN101612331
Media Water Quality
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2011	31-Jan-2013	1.42	\$0	\$9	\$10
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a revised annual sludge report. Date required is the date the report was due.
The final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$10

Screening Date 16-Apr-2012

Docket No. 2012-0913-MWD-E

PCW

Respondent Victoria County Water Control and Improvement District No. 2

Policy Revision 3 (September 2011)

Case ID No. 44042

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 205.6 and Tex. Water Code § 5.702

Violation Description

Failed to pay outstanding public health service fees for TCEQ Financial Account No. 92350006 for the 2012 fiscal year, as documented during a record review conducted on April 19, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

No penalty was calculated for this violation.

Adjustment \$25,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

No penalty is recommended as penalties and interest will be assessed at the next billing.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	(mark with x)

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Victoria County Water Control and Improvement District No. 2
 Case ID No. 44042
 Reg. Ent. Reference No. RN101612331
 Media Water Quality
 Violation No. 3

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN601582513 Victoria County Water Control and Improvement District No. 2 Classification: AVERAGE Rating: 1.46

Regulated Entity: RN101612331 PLACEDO WASTEWATER PLANT Classification: AVERAGE Site Rating: 1.46

ID Number(s): WASTEWATER PERMIT WQ0012743001
WASTEWATER EPA ID TX0093360
WASTEWATER LICENSING LICENSE WQ0012743001

Location: APPROX 3,000 FT NNE OF THE INTX OF U.S.
HWY 87 AND FM 616, SE OF THE INTX OF
GRAND ST AND PRESTON ST IN PLACEDO,
VICTORIA CO, TX

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: April 19, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 19, 2007 to April 19, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jennifer Graves Phone: (956) 430-6023

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 04/24/2007 (554476)

2 05/14/2007 (626274)

3 06/18/2007 (626275)

4 07/11/2007 (626276)

5 08/24/2007 (626278)

6 09/13/2007 (626279)

7 10/15/2007 (626281)

8 12/12/2007 (626285)

9	02/11/2008	(675875)
10	03/17/2008	(675876)
11	01/11/2008	(675877)
12	04/15/2008	(694258)
13	05/07/2008	(694259)
14	11/18/2008	(708195)
15	06/16/2008	(715630)
16	07/14/2008	(715631)
17	08/08/2008	(715632)
18	09/10/2008	(715633)
19	10/10/2008	(715634)
20	02/06/2009	(725268)
21	11/17/2008	(731338)
22	12/22/2008	(731339)
23	02/24/2009	(754656)
24	01/20/2009	(754657)
25	03/23/2009	(771890)
26	04/22/2009	(771891)
27	05/28/2009	(771892)
28	03/12/2010	(794123)
29	10/21/2009	(815688)
30	09/13/2010	(859941)
31	09/20/2010	(868327)
32	09/20/2010	(868328)
33	09/20/2010	(868329)
34	09/20/2010	(868330)
35	09/20/2010	(868331)
36	09/20/2010	(868332)
37	09/20/2010	(868333)
38	09/02/2010	(869865)

39 10/12/2010 (875222)
 40 10/12/2010 (875223)
 41 12/30/2010 (885078)
 42 12/23/2010 (897617)
 43 09/28/2009 (928909)
 44 09/28/2009 (928910)
 45 10/12/2010 (928911)
 46 09/28/2009 (928912)
 47 10/21/2009 (928913)
 48 10/08/2010 (972669)
 49 03/29/2012 (990216)
 50 10/08/2010 (999304)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/24/2007 (554476) CN601582513
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations PERMIT
 Description: Failure to meet the permitted flow limitation during the month of January, 2007.

Date: 03/31/2008 (694258) CN601582513
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/18/2008 (708195) CN601582513
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations No. 1, Pg. 2 PERMIT
 Description: Failure to comply with the effluent limitations as specified in the permit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 Monitoring Requirements No. 3(c), Pg. 5 PERMIT
 Description: Failure to maintain complete records of monitoring activities.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Operational Requirements No. 1, Pg. 9 PERMIT
 Description: Failure to retain process control, maintenance, and operations records at the facility site, or readily available for review by a TCEQ representative, for a period of three years.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring Requirements No. 7(c), Pg. 6 PERMIT
 Description: Failure to report in writing to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of any effluent violation

which deviates from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.6
Description: Failure to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(e)
Monitoring Requirements No. 4, Pg. 5 PERMIT
Description: Failure to indicate the increased frequency of sampling on the Discharge Monitoring Report (DMR).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
Description: Failure to analyze effluents according to test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water and Wastewater than those cited in Part 136.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
Sludge Provisions Section III(G), Pg. 22 PERMIT
Description: Failure to report annually to the TCEQ Regional Office (MC Region 14) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year items 1-9 listed in TPDES Permit 12743-001 page 22.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)
Operational Requirements No. 1, Pg. 9 PERMIT
Description: Failure to at times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Date: 10/31/2009 (815688) CN601582513
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2009 (875222) CN601582513
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (875223) CN601582513
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2010 (868328) CN601582513
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/12/2010 (794123) CN601582513
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations No. 1, Pg. 2 PERMIT
Description: Failure to comply with effluent limitations as required by the permit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Reporting Requirements No.1, Pg. 4 PERMIT
Description: Failure to submit the required Discharge Monitoring Reports (DMRs) during the investigation.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 319, SubChapter A 319.4
Monitoring Requirements No. 1, Pg. 2 PERMIT
Description: Failure to monitor on regular basis each parameter included in the permit.

Date: 06/30/2010 (868332) CN601582513
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2010 (868333) CN601582513
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/02/2010 (869865) CN601582513
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/13/2010 (859941) CN601582513

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
Monitoring Requirements No. 3(c), Pg. 5 PERMIT
Description: Failure to maintain complete records of monitoring activities.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.6
Description: Failure to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
Sludge Provisions Section III(G), Pg. 22 PERMIT
Description: Failure to report annually to the TCEQ Regional Office (MC Region 14) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year items 1-9 listed in TPDES Permit 12743-001 page 22.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations No. 1, Pg. 2 PERMIT
Description: Failure to comply with effluent limitations as required by the permit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Reporting Requirements No.1, Pg. 4 PERMIT
Description: Failure to submit the required Discharge Monitoring Reports (DMRs) during the investigation.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VICTORIA COUNTY WATER
CONTROL AND IMPROVEMENT
DISTRICT NO. 2
RN101612331**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0913-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Victoria County Water Control and Improvement District No. 2 ("Respondent") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 3,000 feet north-northeast of the intersection of United States Highway 87 and Farm-to-Market Road 616, southeast of the intersection of Grand Street and Preston Street in Placedo, Victoria County, Texas (the "Facility").
2. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 3, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eighteen Thousand Three Hundred Sixty Dollars (\$18,360) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Six Hundred Eighty-Eight Dollars (\$14,688) of the administrative penalty and Three Thousand Six Hundred Seventy-Two Dollars (\$3,672) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2011 through December 31, 2011, by the 20th day of the following month, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012743001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on March 6, 2012.
2. Failed to submit a complete sludge report for the monitoring period ending July 31, 2011, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0012743001, Sludge Provisions, as documented during a record review conducted on March 6, 2012. Specifically, the sewage sludge for land application ("SLLA") DMR for the 2011 sludge report was missing parameter data.
3. Failed to pay outstanding public health service fees for TCEQ Financial Account No. 92350006 for the 2012 fiscal year, in violation of 30 TEX. ADMIN. CODE § 205.6 and TEX.

WATER CODE § 5.702, as documented during a record review conducted on April 19, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Victoria County Water Control and Improvement District No. 2, Docket No. 2012-0913-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the timely submittal of signed and certified monthly DMRs, and annual sludge reports, in accordance with TPDES Permit No. WQ0012743001;
 - ii. Submit the DMRs for the monitoring periods ending January 31, 2011 through December 31, 2011, in accordance with TPDES Permit No. WQ0012743001, Monitoring and Reporting Requirements;
 - iii. Submit the complete SLLA DMR for the 2011 sludge report, in accordance with TPDES Permit No. WQ0012743001, Sludge Provisions; and
 - iv. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Re: Victoria County Water Control and Improvement District No. 2, TCEQ Financial Administration Account No. 92350006", to the address listed in Ordering Provision No. 1.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the

- Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

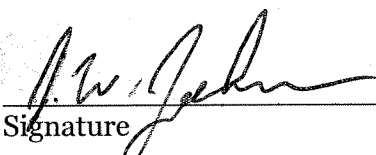
10/26/12
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7-13-12
Date

Jimmy W. Johnson
Name (Printed or typed)
Authorized Representative of
Victoria County Water Control and Improvement District No. 2

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.